

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : **Chapter 11 Case No.**
:
LEHMAN BROTHERS HOLDINGS INC., et al., : **08-13555 (JMP)**
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Debtors. : **(Jointly Administered)**
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**ORDER DENYING MOTION OF THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A. FOR EXAMINATION OF DOCUMENTS BY
LEHMAN BROTHERS HOLDINGS INC., LEHMAN BROTHERS INC., LEHMAN
BROTHERS COMMODITY SERVICES INC., AND BARCLAYS CAPITAL INC.**

Upon the motion, dated November 26, 2008 (the “Motion”), of The Bank of New York Mellon Trust Company, N.A. (“BONY”), for an order, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, directing examination of, and production of, documents by Lehman Brothers Holdings Inc. (“LBHI”), Lehman Brothers Inc. (“LBI”), Lehman Brothers Commodity Services Inc. (“LBCS”), and Barclays Capital Inc. (“Barclays”), all as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the Standing Order M-61 Referring to Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C.J.); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and due and proper notice of the Motion having been provided in accordance with the procedures set forth in the order entered September 22, 2008 governing case management and administrative procedures [Docket No. 285] to (i) the United States Trustee for the Southern District of New York; (ii) the attorneys for the Official Committee of Unsecured Creditors; (iii) the Securities and Exchange Commission; (iv) the Internal Revenue Service; (v) the United States Attorney for the Southern

District of New York; and (vi) all parties who have requested notice in these chapter 11 cases, and it appearing that no other or further notice need be provided; and objections to the Motion (collectively, the “Objections”) having been filed by (i) the Debtors, dated January 9, 2009; (ii) Barclays, dated January 9, 2009; (iii) James W. Giddens, as Trustee for the liquidation of the estate of LBI, dated January 9, 2009; and (iv) the Official Committee of Unsecured Creditors, dated January 10, 2009; and a reply to the Objections having been filed by BONY, dated January 13, 2009 (the “Reply”); and a hearing (the “Hearing”) having been held to consider the relief requested in the Motion, the Objections, and the Reply; and after due deliberation and sufficient cause appearing therefor and for the reasons stated by the Court at the Hearing, it is

ORDERED that the Motion is denied without prejudice.

Dated: January 20, 2009
New York, New York

/s/ James M. Peck
UNITED STATES BANKRUPTCY JUDGE